IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 24241 of 2007(J)

AGAINST THE ORDER DATED IN EP.212/1993 IN OS.361/1983 of ADL.SUB COURT, THALASSERY

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PETITIONER: JUDGMENT DEBTOR

VRINDA A.M., W/O. PRAKASH,
PRAKASH BUNGALOW, CHIRAKKARA, THALASSERY-1.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS: DECREE HOLDER

THE KERALA STATE COIR CORPORATION LTD.,
P.B.NO.191, ALAPPUZHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 24241 OF 2007 J

Dated this the 9th August, 2007.

JUDGMENT

This writ petition is filed challenging the order of the learned Subordinate Judge, Thalassery whereby it is stated that he has ordered sale of the property to be done on 10.8.2007. When the matter came up before this Court in W.P(C)22832/07 on 25.7.2007 this Court passed an order whereby it directed the writ petitioner to deposit Rs.68,000/- on or before 30.7.2007 so that the court below shall adjourn the sale by a period of one month and if there is appropriate reasons thereafter it can also give a breathing time so that the benefit the petitioner is entitled to receive from the Government may not be blocked by the sale of the property. Now, I am informed that the court below has taken a view that there no is substantial compliance with the order of this Court and therefore, the writ petitioner is not entitled to the benefit of the order passed on 25.7.2007. The learned counsel for the writ petitioner has taken me through Exts.P4 to P6. It would show that Rs.15,000/- was paid on 26.7.2007 and the balance of Rs.53,000/- was paid on 30.7.2007. So an amount of Rs.68,000/- had already been deposited, as ordered by this Court and I fail to understand how the court below has held

it otherwise. An opportunity is given to the party for compliance and for getting the benefit and when such a matter is looked into by the court below it should not have so light heartedly rejected the prayer. Therefore, though the order is not before me, I direct the court below not to conduct the sale on 10.8.2007, as ordered. But I direct the court below to comply with the directions of this court given in W.P(C)22832/07. I also direct the learned Subordinate Judge to send a report how he had come to a conclusion that Rs.68,000/- has not been paid or deposited as ordered by this court on 30.7.2007. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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